

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVOOD KHADEMI,

Petitioner,

v.

PLACER COUNTY SUPERIOR COURT,

Respondent.

No. 2:21-cv-0902 KJN P

ORDER

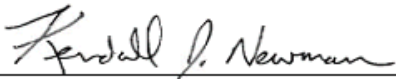
Petitioner, a state prisoner, proceeds pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 19, 2021, petitioner filed a document styled, “9th Circuit Case No. 21-16141, USDC No. 2:21-cv-0902 KJN, “Combined Notice of the Motion to Expedite/Injunctive Relief, and Notice of Motion to Set Aside the Information Based on Discovery Motion 28 U.S.C. § 2255/Extraordinary Writ. . . .” (ECF No. 35 at 1.) The bulk of petitioner’s filing sets forth his arguments concerning the underlying merits of his habeas claims.

Petitioner’s filing is unclear. First, petitioner’s appeal No. 21-16141 was dismissed for lack of jurisdiction. (ECF No. 30.) Second, on August 20, 2021, the undersigned recommended that respondent’s motion to dismiss be granted because petitioner’s direct appeal is pending in state court, and this court must abstain from hearing petitioner’s claims under Younger v. Harris, 401 U.S. 37 (1971). (ECF No. 34.) Because of Younger, this court is unable to hear the merits of petitioner’s claims at this time. Third, while petitioner references “injunctive relief” in his filing,

1 he does not make clear what relief he seeks, or the grounds on which he believes such relief is  
2 warranted. Generally, such relief is not available in habeas corpus actions, but also in light of the  
3 pending recommendations, such relief is inappropriate in this action at this time. Petitioner's  
4 motion is denied without prejudice.

5 Accordingly, IT IS HEREBY ORDERED that petitioner's August 19, 2021 motion (ECF  
6 No. 35) is denied without prejudice.

7 Dated: August 25, 2021

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9 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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